

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK
CAR AUTO RACING, LLC, NASCAR
HOLDINGS, LLC, NASCAR EVENT
MANAGEMENT, LLC, and JAMES FRANCE,

Defendants.

No. 3:24-cv-886-KDB-SCR

NASCAR EVENT MANAGEMENT, LLC,

Counter-Plaintiff,

v.

2311 RACING LLC d/b/a 23XI RACING,
FRONT ROW MOTORSPORTS, INC., and
CURTIS POLK,

Counter-Defendants.

CONSENT MOTION TO SEAL

NOW COMES Defendants NASCAR and James France (collectively “NASCAR” or “Defendants”) pursuant to LCvR 6.1 and respectfully move this Court for an order permitting them to file certain materials under seal. In support of this motion, NASCAR states as follows:

Contemporaneously with this Motion, NASCAR will file a Motion for an Order to Show Cause and Memorandum in Support of Defendants’ Motion for an Order to Show Cause (the

“Underlying Motion”).¹ In its filings, NASCAR will refer to and attach materials designated by Plaintiffs and third parties as “Confidential” or “Highly Confidential” as defined by the parties’ Stipulated Protective Order (Doc. No. 85).

NASCAR takes no position on whether materials designated by Plaintiffs or third parties qualify as confidential or highly confidential. But based on those parties’ designation of these documents, sealing of this confidential and highly confidential information is necessary. In other related filings, the Court has previously ordered the sealing of some of the materials referenced in the Underlying Motion. There is no alternative to filing under seal because NASCAR must reference the designated communications and documents to set forth the issues in support of its request for an Order to Show Cause. *Blue Sky Endeavors, LLC v. Henderson Cnty. Hosp. Corp.*, No. 1:23-CV-00097-MR, 2024 WL 4438670 at *2 (W.D.N.C. Oct. 7, 2024) (concluding that the right of access to judicial documents filed in civil proceedings, under both the First Amendment and the common law, was overcome where public release of information would reveal confidential business and financial information causing harm to Defendants and harm their business interests, and the sealing was narrowly tailored to serve the interest of protecting such information); *see also Clean Juice Franchising, LLC v. Charleston Juicing, LLC*, No. 3:23-CV-00894-RJC-SCR, 2024 WL 2885923 at *1 (W.D.N.C. May 31, 2024) (finding that it was necessary to seal confidential information, *inter alia*, because the documents sought to be protected concerned “not only the parties to this action but third parties as well, who have not consented to the filing the [document] as a public document”).

¹ Pursuant to the Local Rules, NASCAR sought Plaintiffs’ consent to the instant motion in advance of filing; however, NASCAR hoped that their efforts to meet and confer on the underlying Motion for an Order to Show Cause would obviate the need for filing that motion, as well as the instant motion. Since those efforts did not resolve the underlying issue, NASCAR files the instant motion contemporaneously with the Motion sought to be sealed.

NASCAR requests the Motion for Order to Show Cause and Memorandum in Support of Defendants' Motion for an Order to Show Cause be filed permanently under seal or until deleted by the Court.

Plaintiffs' counsel consents to NASCAR's motion to seal.

Should the Court grant the instant motion, upon Order of the Court, NASCAR will file an unsealed, redacted version of the pleading.

For the reasons stated above, NASCAR respectfully requests the Court grant this Motion to Seal.

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Dated: 8th day of August, 2025

Respectfully submitted,

By: /s/ Tricia Wilson Magee

Tricia Wilson Magee (N.C. Bar No. 31875)

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ARTIFICIAL INTELLIGENCE (AI) CERTIFICATION

I hereby certify the following:

1. No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Fast Case, and Bloomberg;

2. Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

This the 8th day of August, 2025.

/s/ Tricia Wilson Magee

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **CONSENT MOTION TO SEAL** was electronically filed using the Court's CM/ECF system, which will automatically send notice of filing to all parties of record as follows:

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This the 8th day of August, 2025.

/s/ Tricia Wilson Magee